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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **BERNARD ET AL.**

SERIAL NO.: 09/763,616

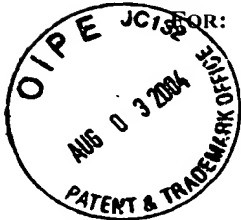
FILED: May 16, 2001

FOR: Therapeutic compounds and methods

GROUP ART UNIT: 1614

EXAMINER: B. Kwon

ATTY. REFERENCE: BERN3001/JDB



**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

**COMMISSIONER OF PATENTS**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

*Sir:*

Applicant hereby appeals to the Board of Appeals from the decision dated: **Feb. 3, 2004**  
of the Primary Examiner finally rejecting claims: **13, 14, 17-20, 22-35 and 40**

AUG 03 2004

TECH CENTER 1000 2000

The Appeal Fee is:

- ☒ enclosed ☒ \$330. ☐ \$165.  
☐ not required (fee paid in prior appeal in this application).  
☐ requested to be charged to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

☐ Small Entity Status is claimed.

☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

23364

Customer Number

Phone: (703) 683-0500

*Respectfully submitted,*

DATE: August 3, 2004

*Richard E. Fichter*

Richard E. Fichter

Attorney for Applicant

Registration Number: 26,382